

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant(s): Joseph GROSS et al.

Serial No: 09/778,268

Group Art Unit: 3726

Filed: February 6, 2001

Examiner: Eric B. Compton

Att. Docket No.: E1067/20025

Confirmation No.: 5215

For: METHOD OF MAKING NEEDLE FOR SUBCUTANEOUS DELIVERY
OF FLUIDS

REQUEST FOR RECONSIDERATION

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In response to the Office Action dated September 24, 2003, Applicants respectfully request favorable reconsideration in view of the following remarks. Claims 16-18 and 25 are pending.

Claims 16, 17 and 25 stand rejected under 35 U.S.C. §103(a) over Cockburn (GB 2298368) in view of Saito et al. (JP 63-207546). Claim 18 stands rejected under 35 U.S.C. §103(a) over Cockburn and Saito et al. as applied to Claim 16 and further in view of Chaplik (U.S. Patent No. 2,802,310). These rejections are respectfully traversed for at least the reasons set forth below.

Applicants respectfully submit that Cockburn, the primary reference, is not a prior art reference to Applicants' claimed invention. As a UK patent application, Cockburn's reference date is September 4, 1996, its date of publication. However, Applicants claim priority to Irish Application No. 960427, filed June 10, 1996.

Application No. 09/778,268
Request for Reconsideration Dated October 14, 2003
Reply to Office Action of September 24, 2003

The Irish priority application (IE 960427) supports the invention recited in the claims, in particular at page 12, lines 1-25 and Figures 9-12. A copy of the priority application is attached.

The Cockburn reference date of September 4, 1996 is after Applicants' priority date of June 10, 1996. Therefore, Cockburn is not a prior art reference to the claimed invention, and in particular to pending Claims 16-18 and 25. Accordingly, a *prima facie* case of obviousness has not been made. Withdrawal of the rejection of the claims under 35 U.S.C. §103(a) is respectfully requested.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

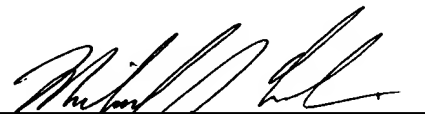
Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

October 14, 2003

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.

By



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